

HOUSE BILL No. 1277

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2-2.

Synopsis: Permit counties to have five county commissioners. Allows the board of county commissioners in a county to be expanded from three members to five members. Provides that the board of county commissioners must pass an ordinance to expand the board of county commissioners. Requires that if the ordinance is approved, a public question to expand the board of county commissioners must be placed on the ballot of a countywide election. Provides for the initial appointment of new board members, the timing of elections of the board of county commissioners, and for the designation of districts for the election of county commissioners.

Effective: July 1, 1999.

Whetstone

January 11, 1999, read first time and referred to Committee on Local Government.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1277

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-2-2-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The ~~three (3) member~~ board
3 of commissioners of a county elected under this chapter is the county
4 executive. In the name of "The Board of Commissioners of the County
5 of _____" the executive shall transact the business of the county.

6 (b) **The board of county commissioners is composed of three (3)**
7 **members elected by the voters of the county, unless the board of**
8 **county commissioners is expanded to five (5) members under**
9 **section 2.5 of this chapter.**

10 SECTION 2. IC 36-2-2-2.5 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 1999]: Sec. 2.5. (a) **The board of county commissioners may be**
13 **expanded to five (5) members.**

14 (b) **To expand its membership, the board of county**
15 **commissioners must pass an ordinance:**

16 (1) **calling for the expansion of the board of county**
17 **commissioners to five (5) members; and**

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(2) dividing the county into five (5) districts that comply with section 4 of this chapter.

(c) If the ordinance is passed by the board of county commissioners, a countywide public question shall be placed on the ballot at a special election held on the date of the next general election asking the voters of the county whether the board of county commissioners should be expanded to five (5) members. The public question must read as follows: "Should the Board of Commissioners of the County of _____ be expanded to five (5) members?". The county election board shall tabulate the votes cast on the public question and certify the results under IC 3-12-4-9 to the state election commission.

(d) Subject to this section, IC 3-10-3 and IC 3-10-8 apply to the election required by subsection (c).

(e) If the county election board certifies to the state election commission that the public question described in subsection (c) has been approved by a majority of the voters voting in the election on which the question was on the ballot, the board of county commissioners is expanded to five (5) members.

(f) If the board of county commissioners is expanded under subsection (e), the board of county commissioners shall fill the vacancies by appointing for the initial term:

(1) one (1) member who serves until:

(A) noon January 1 following the next countywide election of two (2) members of the board of county commissioners scheduled under section 3 of this chapter; and

(B) the member's successor is elected and qualified; and

(2) one (1) member who serves until:

(A) noon January 1 following the next countywide election of three (3) members of the board of county commissioners scheduled under section 3 of this chapter; and

(B) the member's successor is elected and qualified.

The term of office of a member of the board of county commissioners appointed to fill a vacancy resulting from an increase in the number of members of the board of county commissioners under this section begins when the member is appointed under IC 3-13-7-2.

SECTION 3. IC 36-2-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) **Except as described in section 2.5 of this chapter**, the executive shall be elected under IC 3-10-2-13 by the voters of the county. The number of members to be elected to the executive alternates between:



(1) one (1) and two (2), **for a county with three (3) members on the board of county commissioners; or**
 (2) **two (2) and three (3) for a county with five (5) members on the board of county commissioners;**

at succeeding general elections.

(b) The term of office of a member of the executive is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 4. IC 36-2-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) This subsection does not apply to a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The executive shall divide the county into ~~three (3)~~ districts ~~that are equal in number to the members of the executive, and each district must be~~ composed of contiguous territory and ~~are~~ reasonably compact. The district boundaries drawn by the executive must not cross precinct boundary lines and must divide townships only when a division is clearly necessary to accomplish redistricting under this section. If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). A county redistricting commission shall divide the county into ~~three (3)~~ single-member districts that comply with subsection (d). The commission is composed of:

(1) the members of the Indiana election commission;

(2) two (2) members of the senate selected by the president pro tempore, one (1) from each political party; and

(3) two (2) members of the house of representatives selected by the speaker, one (1) from each political party.

The legislative members of the commission have no vote and may act only in an advisory capacity. A majority vote of the voting members is required for the commission to take action. The commission may meet as frequently as necessary to perform its duty under this subsection. The commission's members serve without additional compensation above that provided for them as members of the Indiana election commission, the senate, or the house of representatives.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred



1 thousand (300,000). The executive shall divide the county into ~~three~~
 2 ~~(3)~~ single-member districts that comply with subsection (d).

3 (d) Single-member districts established under subsection (b) or (c)
 4 must:

5 (1) be compact, subject only to natural boundary lines (such as
 6 railroads, major highways, rivers, creeks, parks, and major
 7 industrial complexes);

8 (2) contain, as nearly as is possible, equal population; and

9 (3) not cross precinct lines.

10 (e) A division under subsection (a), (b), or (c) shall be made:

11 (1) in 1991 and every ten (10) years after that; and

12 (2) when the county adopts an order declaring a county boundary
 13 to be changed under IC 36-2-1-2.

14 (f) A division under subsection (a), (b), or (c) may be made in any
 15 odd-numbered year not described in subsection (e).

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